

**AMERICANS WITH DISABILITIES ACT (ADA)**  
**& REHABILITATION ACT - Section 504**

**ACCOMMODATION AND GRIEVANCE PROCEDURE**

**OAH AGENCY ADMINISTRATIVE POLICIES AND PROCEDURES**

Effective Date: November 1, 1999

See Also: Title II of The Americans with Disabilities Act of 1990  
Title VI of The Civil Rights Act of 1964  
Section 504 of the Rehabilitation Act of 1973  
Age Discrimination Act of 1975  
RCW 49.60  
Governor's Executive Order 96-04

The Washington State Office of Administrative Hearings (OAH) is committed to providing equal access in all areas of employment and service to the public. OAH intends to eliminate barriers to individuals with disabilities and to accommodate disabled persons using its facilities and programs.

In compliance with the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, OAH establishes this policy and procedure for the accommodation of people with disabilities.

**Distribution**

To ensure that all people are informed of their rights and protection provided under the provisions of the ADA and Sec. 504, a copy of the Notice of Nondiscrimination and Equal Access Policy (copy attached) shall be posted in the waiting area of all OAH offices, and shall be included with every notice of hearing. The notice shall include the telephone number for use by TTY users.

This procedure shall be available to all OAH employees and shall also be available to individuals who request a copy or file a complaint.

**Education**

Instruction and guidance regarding the agency's responsibility and policy regarding reasonable accommodation shall be provided to supervisors and personnel having regular contact with clients or the general public.

### **Procedure (Accommodation Request)**

1. An Individual with a disability using agency facilities and/or services that requires accommodation should notify an employee of the Office of Administrative Hearings field office concerned. He or she needs to explain the restriction and/or limitation, and include the accommodation desired.
2. The OAH employee shall direct the request for accommodation to the senior administrative law judge. The senior ALJ may consult with the agency ADA Coordinator for assistance if required.

All requests for agency publications and forms in alternate format shall be forwarded to the agency ADA Coordinator.

3. The agency shall review the request and the accommodation sought by the applicant.

During assessment of the request:

- a. The request may be discussed with the individual and/or his or her representative, and further information may be requested.
  - b. The agency may request technical assistance from the Division of Vocational Rehabilitation, the Department of Services for the Blind, the Developmental Disabilities Planning Council, the Human Rights Commission, the Federal Office of Civil Rights, or other organizations and/or individuals as appropriate to find suitable alternatives and to provide an acceptable and mutually agreeable accommodation.
4. When an accommodation is agreed upon, action is initiated to implement the option.
  5. If the accommodation sought by the individual is denied, the ADA coordinator shall notify the applicant of the reasons for the denial in writing.

**NOTE:** Disclosure of the identity and type of disability of the individual and the nature of any requested accommodation shall be limited to those agency employees who need to know that information in order to carry out the provisions of the ADA and Sec. 504.

### Procedure (Grievance)

This procedure is not a prerequisite to the pursuit of other remedies.

1. If an individual with a disability believes that OAH is failing to comply and/or accommodate as provided under the provisions of the ADA or Sec. 504, he or she may file a complaint with the ADA Coordinator. The complaint must be filed within sixty days of the alleged failure to comply or accommodate.

The complaint need not be in any particular form, but should be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by law, and the remedy sought by the complainant.

2. The ADA Coordinator shall review the complaint and the remedy sought by the complainant.

During assessment of the complaint:

- a. The complaint and the request may be discussed with the individual and/or his or her representative, and further information may be requested.
  - b. The agency may request technical assistance from the Division of Vocational Rehabilitation, the Department of Services for the Blind, the Developmental Disabilities Planning Council, the Human Rights Commission, the Federal Office of Civil Rights, or other organizations and/or individuals as appropriate to find suitable alternatives and to provide an acceptable and mutually agreeable accommodation.
  - c. All complainants have the right to legal representation.
  - d. All interested persons and their representatives, if any, shall be afforded an opportunity to submit evidence relevant to the complaint.
3. The ADA Coordinator shall endeavor to resolve the matter, and shall issue a written decision determining the validity of the complaint, and any remedy to be provided, within 30 calendar days of its filing.
  4. The ADA coordinator shall maintain records of all grievances together with their outcomes.

ADA, & Sec. 504 Accommodation & Grievance Procedure (continued)

NOTE: Response times for grievances may be extended either by mutual agreement, or after the agency has provided written notice to the complainant which includes reasons for the extension.

Approved: A. E. Wang  
Chief Administrative Law Judge

OFFICE OF ADMINISTRATIVE HEARINGS  
NOTICE OF NONDISCRIMINATION  
AND EQUAL ACCESS POLICY

This notice is provided in accordance with Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The Washington State Office of Administrative Hearings does not discriminate against any person in employment or in access to its facilities or services on the basis of disability, race, color, national origin, creed, sex, age, marital status or ability to speak English.

If you have a disability and desire accommodation by the Office of Administrative Hearings when using its facilities or services, please notify an employee of the Office of Administrative Hearings field office concerned.

Persons alleging unequal treatment or denial of equal access and persons desiring additional information about accommodation should contact:

Office of Administrative Hearings  
Attn: Americans with Disabilities (ADA) Coordinator  
P O Box 42488  
Olympia, WA 98504-2488  
(360) 664-8717  
TTY (hearing impaired) users dial through Washington  
relay operator 1-800-833-6388